UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

HICA EDUCATION LOAN

CORPORATION,

Plaintiff,

,

v. : OPINION & ORDER : [Resolving Doc. No. 14]

ROBERT M. STANG,

:

CASE NO. 1:11-CV-00823

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this action to collect on defaulted student loans, Plaintiff HICA Education Loan Corporation ("HICA") moves for summary judgment against Defendant-borrower Robert M. Stang. [Doc. 14.] Stang, who is pro se, opposes the motion. [Doc. 15.]

The Plaintiff sues on five promissory notes that Stang executed to the Health Education Assistance Loan Program from 1990 to 1992. According to HICA, the current owner or holder of the promissory notes, Stang owes \$139,451.14 in principle and interest as of September 26, 2011. [Doc. 14 at 4-5.]

In <u>U.S. v. Petroff-Kline</u>, 557 F.3d 285, 290 (6th Cir. 2009), the Sixth Circuit said:

To recover on a promissory note the government must first make a prima facie showing that (1) the defendant signed it, (2) the government is the present owner or holder and (3) the note is in default. For that purpose the government may introduce evidence of the note and a sworn transcript of the account or certificate of indebtedness. Once such a prima facie case is established, defendant has the burden of proving the nonexistence, extinguishment or variance in payment of the obligation.

Case: 1:11-cv-00823-JG Doc #: 24 Filed: 11/29/11 2 of 2. PageID #: 461

Case No. 1:11-CV-00823

Gwin, J.

(citations omitted.). HICA filed copies of the promissory notes, signed by Stang, and an affidavit

of indebtedness. [Doc. 14-1, 14-2, 14-3, 14-4, 14-5, 14-7.] Stang, who apparently admits he

executed the notes and that they are due, has not submitted evidence of the nonexistence,

extinguishment, or variance in payment of his obligations. See [Doc. 5-1, 15.]

Accordingly, HICA "shows that there is no genuine dispute as to any material fact," and is

"entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The Court therefore GRANTS

the motion for summary judgment and awards HICA \$139,451.14, plus interest at \$8.71 per day

through the date of judgment.

IT IS SO ORDERED.

Dated: November 29, 2011

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

-2-